

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

NATHON HERROD,

Plaintiff,

vs.

**MAJORITY V.S. ONE STATE TO
STATE AFFIRMATIVE ASYLUM
BANISHMENT 5 ASPECTS OF
ASYLUM U.S. CITIZEN
SEPARATION OF
ENFORCEMENT
CALL BOX – STATE TO STATE
AND
LOCAL.REVIEW,**

Defendants.

CV 19-127-BLG-SPW

**ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND
RECOMMENDATIONS**

The United States Magistrate Judge filed Findings and Recommendations on May 4, 2020. (Doc. 5.) The Magistrate recommended dismissing the action. (*Id.*)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendations. Federal Rule of Civil Procedure 6(d) extends that period by 3 days when a party is served by mail. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d

1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After reviewing the Findings and Recommendations, this Court does not find that the Magistrate committed clear error. Dismissal is appropriate under L.R. 5.3(b) because more than 60 days have passed since the return of written communication from the Court that was addressed to Plaintiff’s address of record and Plaintiff has not filed a notice of change of address.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 5) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with L.R. 5.3(b).

DATED this 1st day of June, 2020.



SUSAN P. WATTERS
United States District Judge